

Plaintiff objects to the interpretation of his lawsuit as being brought pursuant to 42 U.S.C. § 1983. Plaintiff asserts he is bringing “a Criminal Conviction suit for using the U.S. Postal Service to Swindle Estate and Royalties off Under Title 18 U.S.C. § 1341.” (#10 at 4). Additionally, in his complaint, plaintiff asserted that this “is a suit brought forth to sue . . . for

the Reco (sic) Estate Crime committed. *See* 18 U.S.C.[ ]§ 1341-1343 at which is a 4th Amendment violation.” (#1 at 12).

Title 18 U.S.C. §§ 1341 and 1343 are federal mail and wire fraud criminal statutes available to the United States for criminal prosecution, but they do not generally provide a basis for a private, civil cause of action. *See Touche Ross & Co. v. Redington*, 442 U.S. 560, 568 (1969) (“the fact that a federal statute has been violated and some person harmed does not automatically give rise to a private cause of action in favor of that person.”)(quoting *Cannon v. University of Chicago*, 441 U.S. 677, 688 (1979)). “In order for a private right of action to exist under a criminal statute, there must be a statutory basis for inferring that a civil cause of action of some sort lay in favor of someone.” *Ali v. Shabazz*, 8 F.3d 22 (5th Cir. 1993) (unpublished). The Fifth Circuit has expressly held that there is no private right of action under either 18 U.S.C. §§ 1341 or 1343. *Bell v. Health-Mor, Inc.*, 549 F.2d 342, 246 (5th Cir. 1977) (holding that any private right of action under 18 U.S.C. § 1341 is foreclosed); *Napper v. Anderson, Henley, Shields, Bradford & Pritchard*, 500 F.2d 634, 636 (5th Cir. 1974) (holding that 18 U.S.C. § 1343 does not provide a private right of action for civil litigants). Therefore, plaintiff’s complaint should be dismissed as frivolous and for failure to state a claim.

### **ORDER**

Accordingly, plaintiff’s objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge’s recommendation.

SIGNED at Beaumont, Texas, this 7th day of April, 2025.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE